

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3327 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

SUDHIRKUMAR RAMANLAL PATEL

Appearance:

MR DA BAMBHANIA for Petitioner
MS KJ BRAHMBHATT for Respondent No. 1
MS ROOPAL R PATEL for Respondent Nos. 4, 5, 6, 7, 8,
9,10,11,12,13,14,15,16,17,18
MR R.M.CHAUHAN ASSTT. GOVT. PLEADER
for Respondent no.3.

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 17/10/97

ORAL JUDGEMENT

Rule. Ms.K.J.Brahmbhatt appears for respondent nos.1 and 2, Ms.Patel for respondent nos. 4 to 18. They waive service of Rule. Respondent No.3 is a formal party.

This matter has been adjourned from time to time. Ms. Brahmabhatt and Ms. Patel have filed their Vakalatnamas on behalf of all the respondents (except respondent no.3) and Ms. V.P. Shah appears with them as a Senior Advocate. I have heard Mr. Bambhanja for the petitioner and Ms. Shah for the respondents. It is agreed between them on instructions of their clients that all the orders which have been passed so far in this proceeding ought to be quashed i.e. order dt. 11/3/1988 (Annexure C), order dt. 19/8/1984 (Annexure A) and order dt. 18/3/1994 (Annexure B) annexed to this petition. Accordingly, they are hereby set aside. The result of setting aside of these orders will mean that the original form filed by the petitioner under the Urban Land (Ceiling and Regulation) Act will get revived. The competent authority is expected to decide the same. The respondents (other than respondent no.3) will be at liberty to place all their supporting materials before the authority concerned. Ms. Shah states that the application of the petitioner under Sec.21 of the above Act in respect of Final Plot Nos. 63 and 70 (allotted in lieu of Survey Nos. 270 and 271) has still remained undecided. Hence while deciding the form, the authority will also decide that application.

2. This matter is dragged on over number of years and for reasons best known to the parties, variety of controversial orders have been passed which are now set aside. In the meanwhile, the equities have changed and interests have been created in favour of third parties. While deciding the form as well application under Sec.21 of the above Act, the authority will take this aspect of the matter also into consideration. The authority will endeavour to dispose of the application as well as the form expeditiously and preferably within four months from the date of the receipt of this order. In the meanwhile and until decision is taken by the authority concerned and for a period of four weeks thereafter, both the parties will maintain status quo with respect to property involved and as disclosed in the reports which have been made by the Maintenance Surveyor on 4th July, 1997 and which have been placed before this court. Rule is made absolute accordingly, with no order as to costs.

(ccs)